Recent Unidroit Drafts on the International Will

Stimulated by many factors including common markets, more leisure time and easy transportation, an increasing number of the world's citizens are affluent and mobile. Estate planning for wealthy persons with international contacts is complex, for it frequently involves conflicting or overlapping laws relating to family, property and taxation.

To a degree, a purpose of estate planning is to control or avoid provincial rules governing wills and inheritance. But the place and timing of death and the location and extent of one's holdings at the moment of death are uncertain. Almost inevitably, therefore, local rules of inheritance and the maze they present to one with contacts in several countries are important sources of concern for many persons.

Not surprisingly, an increasing amount of discussion about international conflicts in the laws of wills and successions is occurring among legal experts. In 1960, the Hague Conference on Private International Law produced a Draft Convention on the Conflicts of Laws Relating to the Form of Testamentary Dispositions, updating efforts that started in 1893.[1] More recently, this distinguished organization has been considering the much broader topic of successions, with particular concern for recognition of claims of foreign administrators to movables of decedents.[2]

Across the United States, lawyers are learning about the Uniform Probate Code, which contains a few provisions that would enlarge the pros-

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[1] *See* Nadelmann, *The Hague Conference on Private International Law: Ninth Session.* 9 AM. J. COMP. L. 583 (1960). The English text is printed in 9 AM. J. COMP. L. 705-707 (1960). The Convention was concluded in October, 1961, and came into force among Austria, the United Kingdom and Yugoslavia in early 1964. Fratcher, *The Uniform Probate Code and the International Will,* 66 MICH. L. REV. 469, 480 (1968).

[2] A draft convention adopted by the Special Commission on Successions, entitled Convention Concerning the International Administration of the (Movable) Estate of Deceased Persons, has been distributed by the Hague Conference following sessions of June 10-23, 1971.

pects of recognition of wills from abroad.[3] Also, U.P.C.'s system for harmonizing divergent laws to permit efficient administration of multi-state estates is built on principles that may be useful in international discussions.[4]

In Rome, the International Institute for the Unification of Private Law (UNIDROIT) has sponsored a project, that may lead to internationally uniform laws governing the form of wills.[5] Recently, this activity reached the stage of second drafts of a proposed uniform law and treaty as prepared by a committee of experts from many countries.

It is possible that an international conference will be held in 1973 for the purpose of seeking accord on these proposals at the diplomatic level. The purpose of this short article is to describe the recommendations from the Rome Institute, so that interested American lawyers may prepare themselves to participate in discussions which eventually may reach state legislatures.

Background of Unidroit Proposals

The UNIDROIT will studies began in 1960, as an effort to improve the conflict of laws approach to the problem of securing wider international recognition for wills executed in different parts of the world. The Hague Conference's Convention of 1961 obligates parties to recognize a testamentary instrument, executed in accordance with the laws of any of several places of possible relevance to the testator and the will, such as the place where it is made, or the place of the testator's nationaltiy at the time of execution. The implicit difficulties of this approach, which makes the effectiveness of a will in a given country dependent on proof there of the rules of execution of another country, are obvious and may explain why ratification has been slow and sporadic.

Under UNIDROIT, work began in 1963, on drafts of a uniform law on the form of wills, which might be acceptable for local enactment in all countries. The goal was to enable testators everywhere to use a form of will that would be familiar and acceptable in any country. The term "international will" came into use to describe this goal. The proponents recognized that the availability of an "international will" would not solve all of the estate planning problems of international persons. Nevertheless, they believed that it would constitute an important simplification in the

[3]*See* U.P.C. 2-506, 3-303(e) and 3-409.

[4]*See* Wellman, *How the Uniform Probate Code Deals With Estates that Cross State Lines*, 5/2 REAL PROP. PROB. & TRUST J. 159 (Summer 1970).

[5]*See* Fratcher, *supra* note 1.

laws with which many must reckon. Perhaps they also believed that if will experts from different countries could agree on a universal form for wills, the prospects of fruitful discussion on uniformity in other aspects of inheritance law would be enhanced.

In three drafting sessions in 1963 through 1965, experts from Austria, Eire, France, Israel, Italy, Switzerland, United Kingdom, Vatican City and Yugoslavia produced drafts of a proposed uniform law governing the form of wills, and a proposed convention through which participating states would bind themselves to enact the uniform law.[6] The United States did not become a member of the Rome Institute until 1964, and was not officially represented, although a Louisiana law teacher participated in the first session.[7]

Officials of our State Department saw the printed report, dated December 1966, as one of the first proposals that had come to us as a member of the Rome Institute that appeared to be relevant to concerns of Americans. Accordingly, following procedures created to provide close liaison between the State Department and various organizations of the American Bar Association on matters of private international law, State Department representatives turned to the Executive Director of the National Conference of Commissioners on Uniform State Laws, for suggestions about persons who might prepare analyses of the proposals for the guidance of our federal representatives.[8]

As serious work on the Uniform Probate Code was then getting under way, three persons who were serving as U.P.C. reporters were nominated to react to the Rome proposals.[9] Having been conditioned by several years of discussion looking for ways to accommodate diverse state views on wills and related topics in uniform laws, they had little difficulty in agreeing that the Rome proposals offered much more basis for promise than for skepticism. Their recommendations were later reviewed by an ad hoc committee of lawyers selected to assure representation of persons from various parts

[6]*See* Foreword, Draft Convention providing a uniform law on the form of wills with explanatory report, UNIDROIT, U.P.L. 1966, Paper: XLIII, Dec. 30, 1966.

[7]Professor Robert A. Pascal, Louisiana State University Law School, is described as having taken part in the work of the first session. *See* Foreword, *supra* note 6.

[8]The formation of the Secretary of State's Advisory Committee on Private International Law is described in an address by Honorable Richard D. Kearney, Chairman of the Committee and United States Member of the International Law Commission, reprinted in 23 THE RECORD OF THE ASS'N OF THE BAR OF THE CITY OF NEW YORK, 220 (April 1968).

[9]Professors William F. Fratcher of University of Missouri School of Law, Eugene F. Scoles, then of the University of Illinois and now Dean of the University of Oregon School of Law, and the author.

of the country and of different specializations.[10] Ultimately, after review and approval by the Secretary of State's Advisory Committee on Private International Law, a report based on the reaction and recommendations of the U.P.C. reporters was forwarded to the Rome Institute, as the working position of the United States.

Four years later, in May, 1971, another meeting of world experts took place. Persons representing Austria, Belgium, Canada, Czechoslovakia, Denmark, Finland, France, Greece, Italy, the Netherlands, Pakistan, Portugal, Romania, Sweden, Switzerland, United Kingdom, United States, Vatican City and West Germany were present, as were representatives from the Hague Conference, the Council of Europe and the International Union of Latin Notaries. New drafts of the proposed uniform law and the wills convention resulted. These are appended. The discussion which follows will indicate that the new drafts reflect acceptance of the major recommendations from the United States. Hopefully, American lawyers who now take their first look at the international will concept, will conclude that the proposals now merit wide support from persons in this country.

General Scope of Proposals

In scope, the proposals are quite narrow. They propose a uniform law governing the form of wills, and a convention designed to coerce and encourage local enactment of the uniform law. The proposed uniform law would offer an additional method of formalizing a will to achieve valid execution; it would not pre-empt or otherwise affect existing local rules of execution. Persons in states and countries that enacted the proposed law would have an optional method of formalizing their wills that would carry a likelihood of international recognition, not so easily associated with other available means.

However, testamentary acts falling short of compliance with the requirements for international wills still might be sufficient to constitute valid wills under other local law, and so be eligible for foreign recognition under conflicts rules, that accepted the law of the place where the will was executed, or other laws applicable to the will.

The narrow scope of the substantive proposal may be seen by noting some matters relating to wills that are *not* covered. The proposal does not touch questions of the scope of testamentary power in relation to protected

[10]Tom Martin Davis, Esq., Houston, Texas, Charles Horowitz, Esq., Seattle, Washington, Judge Sverre Roang, Janesville, Wisconsin, Dean Eugene F. Scoles, Eugene, Oregon, J. Pennington Straus, Esq., Philadelphia, Pennsylvania and Professor Allan D. Vestal, Iowa City, Iowa constituted the ad hoc committee.

interests of the decedent's family; questions of the legality of dispositions which unduly fetter property alienability or otherwise contravene local policy; or questions of interpretation and revocation.

Questions concerning the testator's mental capacity, and ability to exercise his own judgment, would neither be foreclosed nor affected; but ceremonies called for by the uniform law should operate to reduce the possibility that they will arise. No procedures for recognizing and implementing wills after death are proposed, although some shortcuts in requirements for post-mortem proofs are contemplated for international wills.

The proposed treaty is designed to coerce participating countries to put the uniform law into effect; but it would not entail federal intervention or domination in relation to matters traditionally reserved to the states under our system. Ultimate control of whether the uniform law would become effective in a given state will depend on enactment by that state. This is so because the proposed convention would contain a clause to accommodate federal systems.[11]

Under it, our national government might be obligated to put the uniform law into effect in areas for which it customarily enacts probate laws; *e.g.*, the District of Columbia and Canal Zone.[12] Its only other responsibility would be to recommend passage of the uniform law by the states, a step that might be accomplished by recommendations to the National Conference of Commissioners on Uniform State Laws.

The Federal government also would have a role to identify, for the benefit of other countries becoming signatories, the officials designated by our enacting states to superintend execution of international wills. The role of these officials will be apparent from an examination of the details of the proposed uniform law.

International Will – Formal Requirements

The requirements of form spelled out by the uniform law, include points that American lawyers will find familiar and two features that are somewhat novel. An international will must be in writing, signed by the testator.[13] The testator must declare in the presence of three persons that he is familiar with the contents of the document, and that it is his will.[14] The

[11]*See* "Article . . ." appended at the end of the Draft Convention reprinted in the appendix.

[12]*See* Fratcher, *supra*, note 1, at 492.

[13]The requirements of a writing and of testator's signature are mandatory, but the placement of the signature at the end, though described by art 5 of the uniform law, is not essential. See arts. 1, 2 and 4 of the uniform law set forth in the appendix.

[14]These requirements are mandatory. See arts. 1 and 3 of the uniform law.

testator must sign the will in the presence of the three persons, or acknowledge his signiature previously made to them.[15] The three persons must sign the will there and then in the presence of the testator.[16]

If this were all, American lawyers might conclude that the execution requirements, though on the stiff side of the degrees of formalities with which they are familiar, are quite in line with the commands of some of the various statutes in this country, and within the dictates of safe practice.

But there is more. It is required that one of the three persons who acts with a testator to produce an international will must be a person "authorized [by the state] to act in connection with international wills."[17] This feature reveals the purpose of the draftsmen to frame a proposal familiar to both common law and civil law lawyers, and embracing enough to assure that all would feel comfortable with the resulting blend. The "authorized person" idea comes from civil law procedures which make important use of the civil law notary.

In civil law countries, one common mode of executing a will, known as the public will, involves oral announcement of the will by the testator to a notary in the presence of one or more other witnesses, with the notary reducing the announcement to writing for signature and attestation. Another form, the closed or mystic will, involves the testator's declaration to the notary and other witnesses that a sealed envelope contains the testator's will.[18] The notary retains custody of wills executed before him.

The civil law notary is not to be confused with the American public notary. The former has had extensive legal training in wills and conveyancing, and by law is given judicial and administrative powers, such as the recordation of deeds within his geographical district, and the aforementioned function of supervision and custody of wills. His signed official acts, including certificates on wills executed before him, have approximately the effect of our judgments: they are self-proving and almost invulnerable to impeachement.[19]

The civil law flavor of the proposed uniform law is much less dominant in the version approved for discussion by the experts, who met in 1971 than was true of the 1966 draft. Under the earlier version, an international will was to be retained in the possession of the state official who supervised its execution. The draft also provided that a will withdrawn by a testator from this official custodian ceased to be valid as an international will.[20]

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[15]These requirements are mandatory. See arts. 1 and 4-1 of the uniform law.

[16]*See* art 1 and 4-2 of the uniform law.

[17]*See* art. 3 of the uniform law.

[18]*See* Fratcher, *supra*, note 1, at 475.

[19]*See* Fratcher, *supra*, note 1, at 492.

[20]See art. 12 and 13 of the 1966 Draft described in note 6.

One of the recommendations of the U.P.C. reporters which was forwarded to Rome on behalf of the United States, was that provision should be made in the uniform law for the executing official to identify the will as officially executed, and return it to the possession of the testator. The change was urged so that the emerging law might align more closely to existing American methods of safeguarding wills.

The current draft of the uniform law provides in Article 8:

> The authorized person has the duty to ensure the safekeeping of the will in accordance with the internal law of the place where the will is received, particularly by undertaking any official deposit or registration required by that law.

Under this, retained possession of a will by the authorized official is but one of various methods that may be approved by local law or rules, to assure the authenticity and integrity of wills. The civil law experts accepted this to accommodate American customs; no change in the way the civilians now protect wills is involved. It will remain for lawmakers in American states who may wish to align to the proposals to adopt some workable system for protecting executed wills. Retention of original documents or of photocopies by persons authorized to handle international wills, use of a central registration system or one or more forms of anti-mortem probate are among the devices that may be considered.

The other characteristic of the international will that distinguishes it from most existing United States forms, is the certificate of the authorized person who is described by the 1971 draft. This feature also resulted from suggestions of American experts, who sought to make the international will self-proving in routine post-mortem probate proceedings. As they saw it, one of the major impediments to local probate of wills executed in distant places, is the typical requirement that the proponent must offer testimony of the witnesses to the will either by producing at least one witness in court, or by securing his testimony by special commission to an official where the witness can be located. Hence, they were as worried about practical problems of proof of foreign wills as with the content of the formal requirements.[21]

This American concern proved to be surprising to the experts from other countries. The English and Canadians live with a post-mortem probate requirement, but common-form probate that can be obtained on the strength of a sworn application is standard procedure, so that their representatives do not worry, as we are prone to do, about locating and producing will witnesses.[22] The representatives of civil law countries know noth-

[21] *See* Fratcher, *supra*, note 1, at 493–94.

[22] *See* Fratcher, *Fiduciary Administration in England*, 40 N.Y.U.L. Rev. 12 (January 1965).

ing of post-mortem probate for, to them, the will is made good by the notary's acts at the time of execution. His certificates prove transfers by will for all who are interested.

The certificate of a person authorized to assist in execution of an international will is described as follows in Article 7 of the proposed uniform law:

> 1. The authorized person shall add to the will a certificate stating that:
>
> (a) the testator, in his presence and in that of the witnesses, has declared that the document is his will and that he knows the content thereof;
>
> (b) the testator, in his presence and in that of the witnesses, has signed the will or has acknowledged his signature previously affixed;
>
> (c) the witnesses have then signed it;
>
> (d) the authorized person has satisfied himself of the identity of the testator and of the witnesses;
>
> (e) the witnesses satisfied the requirements needed according to the internal law of the place where the will is received.
>
> The authorized person shall also state his identity and those of the testator and of the witnesses. He shall date and sign the certificate.
>
> 2. The authorized person shall keep a copy of the certificate and deliver one to the testator.
>
> 3. The fact that the certificate has not been established does not affect the validity of the will.
>
> 4. Unless impeached by competent proof, the foregoing certificate of the authorized person shall be accepted as sufficient proof in any cause or proceeding of all facts necessary to the due execution of the instrument as an international will.

The proposed convention obligates signatory countries to recognize certificates of authorized officials of other signatories.[23] It also provides that the various signatures on an international will, including that of the official whose participation gives the will its status, are exempt from the formal process of legalization through foreign consulates and national officials.[24]

Assuming that all of these provisions work as intended, the tedious business of tracking down attesting witnesses to bring them before the probate court to prove due execution will be unnecessary for international wills. These wills may be probated on the basis of the certificate. The concept is similar to one approved in the Uniform Probate Code which was drawn from existing laws and is practiced in Texas and Arkansas and a few other states.[25]

Other Points

A couple of other features of the proposals warrant brief mention. An

[23]Art. IV.
[24]Art. VI.
[25]U.P.C. 2-504,3-405, 3-406(b).

international will may be written in any language by hand or other means by the testator or any other person. The draftsmen rejected suggestions that special requirements should be stated to cover cases where a will is written in a language that is unfamiliar to the testator. Questions concerning the capacity of witnesses were left to be resolved by the authorized person, who is to certify that the witnesses met the rules governing their capacity to act as imposed by the law of the place of execution.

No provision is made for "proxy" signatures, because the experts concluded that the mechanics of signature by a disabled testator might be handled in any practical way so long as the authorized person observes the testator signing, or witnesses his acknowledgment of his signature. These points emphasize that much of the security that might be achieved for wills by the uniform law, will be achieved more from the presence and supervision of the authorized person than from greater elaboration of procedural steps.

Careful readers of the appended drafts will note a few defects that remain to be ironed out. For example, in Article V of the convention and in the proposed clause for federal states, there is reference to "the person qualified to receive the will" and Articles 5 and 8 of the uniform law use "reception" and "received" to refer to the execution ceremony. These references indicate that the rather large, multi-lingual committee of experts who worked in 1971 to produce the drafts, did not fully accomplish the purpose of changing the 1966 requirement that an official will "custodian" would receive and retain international wills.

Also, it is unclear from the uniform law whether the requirement in Article 7, that the authorized person sign the will, may be met by his signature on the certificate. Probably Article 7(c) should be changed to require a recital that the authorized person signed the will with the witnesses. There is no reason to believe that these matters cannot be easily corrected.

To American lawyers, one of the most interesting questions regarding local implementation of these proposals may relate to identifying those within a state, who should be granted the status of persons authorized to handle international wills. Most of the discussion to date has involved the assumption that all of a state's duly admitted attorneys will be designated to serve as authorized persons. Perhaps, however, the bar or legislatures in some states will accept the opportunity to recognize those of a state's roster of attorneys, who have a minimum number of years of practice experience, or who have met some other special requirement designed to isolate those having special competence in estate planning.[26]

[26]*See* Fratcher, note 1, at 495.

Conclusion

The UNIDROIT proposals deserve to be supported by American lawyers. If they are, and if representatives of the State Department continue to support the project by favorable comment and cooperation, in efforts to bring diplomatic representatives together for discussion of the proposed convention, it seems likely that many countries of the world will put the uniform law into effect within the next few years.

When this happens, the odds of local validity for foreign-executed wills that are offered for probate in our state courts will increase, even if many of our states fail to enact the uniform law. This will follow from the circumstance that the ceremonies contemplated by the new law, will help qualify wills under existing probate laws.

But it also may be hoped that our states will accept the international-will concept and enact any uniform law that may be proposed to implement it. The matters American lawyers will find themselves discussing when and if the uniform law comes before state legislatures, very much need to be faced and resolved. Is it not time that our states adopted registration or other procedures, to aid survivors to locate wills of decendents? Would the public interest not be well served by state recognition of persons with special qualifications to handle will executions? Should out states not immprove their probate by devising procedures that would permit will to be established after death with a minimum of delay and difficulty? Should we not accept the desirability of more uniformity in probate matters? The international will proposals may offer a welcome prod toward broader reforms of some rules, that have been allowed to become pretty badly out of step.

APPENDIX

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UNIDROIT

International Institute for the Unification of Private Law

Draft Convention
(providing a uniform law on the form of
the International Will)

The States signatories to the present Convention,

Desirous to provide a greater extent for the respecting of last wills by establishing a form of will henceforth to be called an "international will" which, if employed, would dispense with the search for the applicable law and with the examination of formalities prescribed by such law;

Have resolved to conclude a Convention for this purpose and have agreed upon the following provisions:

Article I

1. Each Contracting Party undertakes that within six months of the date of entry into force of this Convention in respect of that Party it shall introduce into its law the rules regarding an international will set out in the Annex to this Convention.

2. Each Contracting Party may introduce the provisions of the Annex into its law either by reproducing the actual text, or by translating it into its official language or languages.

Article II

1. Each Contracting Party shall complete and implement the provisions of the Annex in its law, within the period provided for in the preceding article, by designating the persons who, in its territory, shall be authorized to act in connection with international wills.

2. The Party shall notify such designation as well as any other modification thereof, to.....

Article III

1. A will made in the form of an international will in the territory of a Contracting Party shall, in the territories of the other Contracting Parties, be considered as having been made in the presence of a person authorized to act in connection with it whenever such person is so authorized according to the law of the Contracting Party in whose territory the will was made.

2. A will made in the form of an international will in the territory of a State which is not a Contracting Party shall, in the territories of the Contracting Parties,

Text drawn up by the Committee of Governmental Experts on the Form of Wills, Rome, May 1971.

be considered as having been made in the presence of an authorized person whenever, in accordance with the law of such State, it has been received by a person qualified to receive wills.

Article IV

The effectiveness of the certificate provided for in article 8 of the Annex shall be recognized in the territories of all Contracting Parties.

Article V

1. The conditions to be a witness of an international will shall be governed by the international law of the place where the will is received.
2. Nevertheless an alien may act as a witness of an international will.

Article VI

1. The signature of the testator, of the person qualified to receive the will and of the witnesses of an international will shall be exempt from any legalization.
2. Nevertheless, the competent authorities of the Contracting Parties may verify the authenticity of such signatures.

Article VII

No reservation shall be admitted to this Convention or to its Annex.

Article VIII

1. This Convention shall be open for signature from ..... to.....
2. This Convention shall be ratified.
3. Instruments of ratification shall be deposited with.....

Article IX

1. This Convention shall be open to accession by.....
2. Instruments of accession shall be deposited with.....

Article X

1. This Convention shall come into force six months after the date on which the fifth instrument of ratification or accession has been deposited.
2. In the case of each State which ratifies this Convention or accedes to it after the fifth instrument of ratification or accession has been deposited, this Convention shall come into force six months after the deposit of its own instrument of ratification or accession.

Article XI

1. Each Contracting Party may denounce this Convention by a notice addressed to.....
2. Such denunciation shall take effect twelve months from the date on which the . . . . . has received notice thereof.

Article XII

1. Each State may, when it deposits its instrument of ratification or accession or at any time later, declare, by a notice addressed to . . . . . , that this

Convention shall apply to all or part of the territories for whose international relations it is responsible.

2. Such declaration shall have effect six months after the date on which the . . . . . shall have received notice thereof, or, if at the end of such period the Convention has not yet come into force, from the date of its entry into force.

3. Each Contracting Party which has made a declaration in accordance with paragraph 1 of this Article may, in accordance with Article XI, denounce this Convention in relation to all or part of the territories concerned.

Article XIII

The . . . . . shall give notice to the signatory or acceding States, and to the International Institute for the Unification of Private Law, of:

(a) any signature:
(b) the deposit of any instrument of ratification or accession;
(c) any date on which this Convention enters into force in accordance with Article X;
(d) any notice received in accordance with Article II, paragraph 2;
(e) any declaration received in accordance with Article XII, paragraph 2 and the date on which such declaration takes effect;
(f) any denunciation received in accordance with Article XI, paragraph 1, or Article XII, paragraph 3, and the date on which the denunciation takes effect.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Convention.

DONE at....., the....., in....., the.....
.....texts being equally authoritative.

The original of this Convention shall be deposited with . . . . . who shall transmit certified copies thereof to each of the signatories and acceding States and to the International Institute for the Unification of Private Law.

Clause Concerning Federal and Non-Unitary States (for possible insertion)

Article . . . . .

(a) With respect to those articles of this Convention and its Annex that come within the legislative jurisdiction of the federal authority, the obligations of the federal Government shall to that extent be the same as those of Contracting States which are not federal States;

(b) With respect to those articles of this Convention and its Annex that come within the legislative jurisdiction of constituent states or provinces which are not, under the constitutional system of the federation, bound to take legislative action, the federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of constituent states or provinces at the earliest possible moment;

(c) It shall also be the duty of the federal Government to notify the designation of persons qualified to receive international wills, in accordance with Article II, paragraph 2, and also any designation made by constituent states or provinces.

ANNEX

UNIFORM LAW ON THE FORM OF THE INTERNATIONAL WILL

Article 1

1. A will shall be valid as regards form, irrespective of the place where it is made and irrespective of the nationality, domicile or residence of the testator, if it is made in the form of an international will complying with the provisions set out in articles 2 to 4 hereafter.

2. Failure to observe any such provision shall not by itself affect the validity of the document as a will of another kind.

Article 2

1. The will shall be made in writing.
2. It may be written in any language, by hand or by any other means.
3. It need not be written by the testator himself.

Article 3

1. The testator shall declare in the presence of two witnesses and of a person authorized to act in connection with international wills that the document is his will and that he knows the content thereof.

2. The testator need not inform the witnesses, or the authorized person, of the content of the will.

Article 4

1. In the presence of the witnesses and of the authorized person, the testator shall sign the will or, if he has previously signed it, shall acknowledge his signature.

2. The witnesses and the authorized person shall there and then sign the will in the presence of the testator.

Article 5

1. The signature of the testator shall be placed at the end of the will.

2. If the will consists of several sheets, each sheet shall also be signed by the testator, unless the sheets follow each other and form a whole.

Article 6

1. The date of the will is the date of its reception.
2. The date of the reception shall be affixed to the will by the authorized person.
3. In case of dispute the date of the reception may be established by any means.

Article 7

1. The authorized person shall add to the will a certificate stating that:

(a) the testator, in his presence and in that of the witnesses, has declared that the document is his will and that he knows the content thereof;

(b) the testator, in his presence and in that of the witnesses, has signed the will or has acknowledged his signature previously affixed;

(c) the witnesses have then signed it;

(d) the authorized person has satisfied himself of the identity of the testator and of the witnesses;

(e) the witnesses satisfied the requirements needed according to the international law of the place where the will is received.

The authorized person shall also state his identity and those of the testator and of the witnesses. He shall date and sign the certificate.

2. The authorized person shall keep a copy of the certificate and deliver one to the testator.

3. The fact that the certificate has not been established does not affect the validity of the will.

4. Unless impeached by competent proof, the foregoing certificate of the authorized person shall be accepted as sufficient proof in any cause or proceeding of all facts necessary to the due execution of the instrument as an international will.

Article 8

The authorized person has the duty to ensure the safekeeping of the will in accordance with the internal law of the place where the will is received, particularly by undertaking any official deposit or registration required by that law.